IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.695 OF 2006
IN
CRIMINAL APPLICATION NO.444 OF 2006
IN
CRIMINAL APPLICATION NO.1413 OF 2006

Abhishek Ambuj Kasliwal .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.A.P.Mundargi, Senior Advocate i/b. Khaitan & Jayakar for the applicant.
Mrs.R.M.Gadhvi, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th October 2006.

P.C.

. Criminal Application No.695 of 2006 is preferred by petitioner- accused who has been arrayed as an accused in C.R.No.75 of 2006 registered with Worli Police Station alleging offences punishable under Section 376 and 325 of

Indian Penal Code.

2. His application for bail was placed before this Court and on 18th April, 2006 bail was granted subject to imposition of strict conditions. One of the conditions being that his passport shall remain with the investigating officer and if he intends to go abroad he may do so after permission is granted by this Court on an application to be made by him.

3. The present applicant is seeking permission to go abroad and for that purposes further prayer is that the passport be handed over to him.

4. When this application was placed before me yesterday, I informed Shri Mundargi, Senior Counsel appearing for the applicant that applicant must execute undertaking to this Court pointing out therein specifically the dates of

his travel and the countries which he would be visiting abroad. The applicant has filed undertaking and has pointed out that he would be visiting China, HongKong for business purposes and shall leave India on 17th October and shall return on 30th October 2006. Passport be handed over to him only for this period. The undertaking is that the applicant would return positively by the end of the programme i.e. by 30th October 2006, he would not abscond and upon his return would deposit the passport with the I.O.

5. Despite this undertaking the learned A.P.P. submits that this application should not be granted because the trial is yet to commence. She invites my attention to the conditions imposed by this Court which according to her are such as would not permit him to come to Bombay but to stay outside Bombay. She submits that his travel within the country is also curtailed.

6. In my view, once this Court has enlarged him on bail but while enlarging him imposed condition that if he desires to go abroad, he should do so with prior permission of Court, it clearly means that his right is not curtailed completely. The embargo is not total. He can travel provided he seeks prior permission from this Court.

7. In the light of the undertaking and Mr.Mundargi after taking instructions making a further statement that the applicant would give complete details of his tour programme including contact numbers, places where he would reside etc. The application is, therefore, granted in terms of prayer clause (a). Undertaking is accepted. The I.O. is present in the Court. At the request of Mr.Mundargi, the learned A.P.P. makes a statement that I.O. would hand over passport to the petitioner and or his

representative/advocate on record today.

(S.C.Dharmadhikari, J)